

Remarks

Consideration of Response After Final Proper

The Office should consider the herein set forth remarks after final and issue a Notice of Allowance. The arguments were not previously made because Applicant understood its previous Response, by amending the claims, had placed the case in condition for Allowance. The action entered new grounds for rejection. See item number 7 of action. Additionally, the action rejects Applicant's amendment to claim 15 on the grounds that the cover may be so tight it would remain stationary as the locking device is rotated. See item 8 of action. The amendment to claim 1 does not raise new issues as it only removes matter added by the last amendment.

Consideration of the Declaration submitted under §1.132 is also proper. The Examiner has submitted new grounds for rejection. See item 7 of Final Action. Additionally, Applicant understood its amendments to place the case in condition for Allowance and that a Declaration was not needed.

Allowability of Independent Claim 1

Applicant's claim 1 in part recites that the threads of the cover and threads of the fastener are spiraled in opposite directions such that when the cover rotates in the loosening direction, the fastener becomes tightened in the hole of the closure thereby stopping the rotation. The Final Action asserts that Aytes discloses that the threads of its cover 40 and the threads of its fastener 48 are spiraled in opposite directions such that when the cover rotates in the loosening direction, the fastener 48 becomes tightened in the hole the closure 35. Applicant disagrees. Firstly, as stated in the §1.132 Declaration, neither Fig. 1 nor any other part of the Aytes patent discloses that the fastener 48 and the cover 40 have threads spiraled in different directions. Moreover, even if these threads were spiraled in different directions the rotating of the cover 40 in Aytes in the loosening direction would not cause fastener 48 to become tightened in the hole of closure 35. To the contrary, when the cover 40 in Aytes is loosened, screw member 44 will also turn concurrently with cover 40. The cover 40 and the screw 44 will slide off the inner screw 48. There is simply no engagement between Aytes screw member 44 and screw member 48. In fact

the specification specifically states that when screw member 44 is held against rotation, screw member 48 is rotated in a direction which causes engagement with packing 33. See Fig. 1 and Col. 4, Lines 20-25. Thus, there is no tightening of locking member 48 as asserted by the Examiner.

Additionally, contrary to the assertion in the Action, the locking device identified by the Action as 44 and 48 in Aytes, does not rotate together with the cover. As explained, when the cover 40 in Aytes is loosened, only screw member 44 rotates. Screw member 48 in Aytes will remain stationary.

For the above reasons, claim 1 as currently amended is allowable. No new matter has been entered.

Allowability of claims 5 and 15

Claims 5 and 15 are allowable for the same reasons as is claim 1. Claims 5 and 15 are also allowable because claims 5 and 15 contain the limitation that the locking member has a size and shape configured for engagement with an internal wall of the cover for preventing the cover and locking member from being rotated in different directions at the same time. The Examiner asserts that Aytes satisfies the limitation because the cover may be so tight it would remain stationary as the locking device is rotated. Assuming *arguendo* this is true, it does not satisfy the limitations of claims 5 and 15. These claims require that the engagement between the locking member and cover prevent rotation in different directions. In Aytes locking member portion 44 is threadably engaged to cover 40. The engagement clearly allows for rotation in opposite directions. Thus, Aytes does not have an engagement between member 44 and cover 40 to prevent rotation in different directions. The argument in the action only points to an engagement between the cover 40 in Aytes and housing member 39 in Aytes which may prevent rotation of cover 40 and locking member 44 in different directions. Thus, Aytes for these additional reasons does not anticipate or make obvious Applicant's claims 5 and 15.

Allowability of Claim 13

Claim 13 is allowable for all of the reasons claim 1 is allowable. Additionally, claim 13 is allowable for its recitation of a stop. Claim 13 requires that the stop prevent rotation of the closure relative to the housing. Member 28 in Aytes, identified in the action as the stop, does not prevent rotation of closure 35 relative to the housing. Member 28 only prevents rotation of Aytes member 35 relative to Aytes member 25. Both Aytes members 35 and 25 are free to rotate relative to the housing. For these additional reasons, claim 13 is allowable over Aytes.

Allowability of Remaining Claims

Claims 2-4 are dependent on claim 1 and allowable for the same reasons with respect to claim 1. Claims 6-9 depend from claim 5 and are allowable for the same reasons as is claim 5. Claims 10-12 depend from claim 1 and are allowable for the same reasons as is claim 1.

Claim 14 depends from claim 13 and is allowable for the same reasons as is claim 13.


For the reasons stated herein a Notice of Allowance should now issue.

Respectfully submitted,

WELSH & KATZ, LTD.

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By: _____


James B. Conte
Reg. No. 54,661
Attorney for Applicant

120 South Riverside Plaza
Floor 22
Chicago, IL 60606
(312) 655-1500